IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 28290 of 1997

Between:

Bondu Rajulu S/o.Dharmaiah
The Burugupudi Fisherman Cooperative Society Ltd Burugupudi Village
Kirlampudi Mandal East Godavari Dist

..... PETITIONER

AND

1 The Dist Collector, East Godavri District, Kakinada.
2 The Director of Fisheries & Ex-Officio
Registrar of Fishermen Cooperative societies Ltd, A.P Tank Bund,

Near Secretariat Building, Hydeeabad.

3 The Regional Deputy Director of Fisheries & Ex-Officio
Joint Registrar of Fishermen Cooperative Societies Ltd Kakinada ,

E.G.Dist
4 The Asst Directors of Fisheries
Kakinada , E.G.DIst
5 V.V.S.Choudary, Mandapeta Constituency , E.G.District.
6 Rayudu Srinivas S/o. Krishna Murthy
R/o. Marripaka, Jaggampeta Mandal, E.G. District
(R.6 is impleaded as per court order dt. 4-2-2005 in WPMP 32395 of

2004)

7. Beedila Yegulaiah, S/o.Apprao, 40 years, R/o.Marripaka,

Ex.Secretary/Member, Burugupudi, Fishermen Co-Operative Society

Ltd., Burugupudi, Jaggampet Mandal, E.G.District.

(R-7 is impleaded as per Court order dated 30-06-2005 in

W.P.M.P.No.38590 of 1997)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order more particularly one in the nature of writ of Mandamus declaring the proceedings of R-6 in Memo dated 26.8.1997 and G.O.Rt.523, dated 19.11.1997 as illegal and further that the election to society be conducted from the stage they were stayed on 23.5.1997 directing the respondents 1 and 2 to conduct elections to the Committee of the petitioner society immediately as mandatorily required under section 31 of A.P.C.S.Act and continue the present Committee of Persons-in Charge till such elections are held further direct the respondents to return the records of the petitioner society and pass such other order or orders.

Counsel for the Petitioner:MR.M.V.DURGA PRASAD

Counsel for the Respondent No.1 to 4 G.P for Fisharies

Counsel for the Respondent No.5: Smt.M.Sailaja

Counsel for the Respondent No.6:Mr.A.V.Shesha Sai

Counsel for the Respondent No.Sri P.M.GOPAL RAO

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Fisheries appearing on behalf of respondent No.1 to 4 and the leaned counsel for respondents No.5 and 6.

The writ petition is filed seeking a Mandamus directing the respondents 1 and 2 to conduct elections to the Committee of the petitioner-society immediately as mandatorily required under Section 31 of A.P.Co-Operative Societies Act, 1964 (for brevity 'the Act, 1964') and continue the present Committee of Persons-in-Charge till such elections are held and further direct the respondents to return the records of the petitioner-society.

As per the provisions of the Act, 1964, the elections have to be held once in three years. Since no elections were held to petitioner society, even after expiration of the statutory period, the petitioner approached this Court seeking directions referred to above.

This Court, while ordering notice before admission in the writ petition held as follows:-

> "Notice before admission. Petitioner is permitted

to take out notice to respondents No.5.

Post after two weeks. Meanwhile there shall be

Status-quo as on today"

It is submitted by the learned counsel for the petitioner that by virtue of the interim direction granted by this Court, the petitioners are continued in the office. On behalf of the official respondents, they filed a counter affidavit. Respondent No.6 filed vacate stay petition on
20-12-2004, which was listed for hearing today. The only contention raised by the respondent No.6 is that by virtue of the interim direction of this Court, the petitioners are continued in the office, even after expiration of the statutory period for conducting the elections. Now all the counsel appearing for the parties have agreed to dispose of the writ petition with a direction to the official respondents to hold the elections inasmuch as it is mandatory under the provisions of law that the elections shall have to be held once in three years.

Under the above circumstances, I deem it appropriate to dispose of the writ petition, directing the official respondents 1 and 2 to hold elections, within a period of three months from the date of receipt of a copy of this order, till such time, the present committee which is conducting the affairs of the society will continue. As per the impugned proceedings, the person-In-charge was appointed, but it is stated that by virtue of the interim direction granted by this Court, the impugned proceedings were not given effect and the said interim order subsists till today. No costs.

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30th June, 2005.

mrb

To

1 The Dist Collector, East Godavari District,

Kakinada.

2 The Director of Fisheries & Ex-Officio
Registrar of Fishermen Cooperative Societies Ltd., Kakinda ,

East GodaVari District

3 The Regional Deputy Director of Fisheries & Ex-Officio
Joint Registrar of Fishermen Cooperative Societies Ltd., Kakinda ,

East Godavri District.

4 The Assistant Directors of Fisheries
Kakinada , E.G.DIst

5. Two CCs to G.P for Fisheries, High Court Building, Hyderbad(OUT)

6. Two CD copies